

URGENT ACTION

CHINESE WOMAN FACES IMMINENT EXECUTION

A Chinese woman who killed her husband after suffering months of domestic violence is at imminent risk of execution, after exhausting all her appeals.

According to sources within China, **Li Yan** is currently held at Anyue County Detention Centre in Sichuan province, south-west China. Li Yan could be executed any day between now and Chinese New Year in early February. Li Yan's ex-husband, Tan Yong, abused her emotionally and physically from their marriage in early 2009. He frequently beat her, stubbed cigarettes out on her face and during the freezing Sichuan winters locked her outside on the balcony of their apartment for several hours with little clothing. On one occasion, he cut off one of her fingers.

Li Yan required hospital treatment for her injuries after one attack, and contacted the authorities several times including the police. However, they did not follow-up her complaints, initiate investigations or offer her any protection.

In late 2010, Li Yan beat her husband to death with a gun.

Li Yan was sentenced to death on 24 August 2011 by the Ziyang City Intermediate People's Court for intentional homicide under article 232 of the Chinese Criminal Code. She appealed against the death sentence but the Sichuan Provincial Higher People's Court upheld the verdict on 20 August 2012. Despite Li Yan's testimonies about the abuse she suffered and evidence provided by witnesses, the court upheld the death sentence. Her last appeal to the Supreme People's Court in Beijing was dismissed.

Please write immediately in Chinese or your own language:

- Urging the Chinese authorities not to implement Li Yan's death sentence;
- Calling on them to ensure that Li Yan has access to her family;
- Urging the National People's Congress to introduce a legal procedure for requesting clemency in line with China's obligations under international human rights law;
- Urging the Chinese authorities to take all allegations of domestic violence seriously, conduct effective investigations and, where there is sufficient admissible evidence, prosecute suspects in fair trials.

PLEASE SEND APPEALS BEFORE 7 MARCH 2013 TO:

Supreme People's Court President

WANG Shengjun Yuanzhang

Zuigao Renmin Fayuan

27 Dongjiaomin Xiang

Beijingshi 100745

People's Republic of China

Fax: +86 10 65292345

Salutation: Dear President

National People's Congress Standing

Committee Chairman

WU Bangguo Weiyuanzhang

Quanguo Renda Changwu Weiyuanhui

Bangongting

23 Xijiaominxiang, Xichengqu

Beijingshi 100805

People's Republic of China

Email: tgxx@npc.gov.cn (please send attachment only)

Salutation: Dear Chairman

And copies to:

HU Jintao Guojia Zhuxi

The State Council General Office

2 Fuyoujie, Xichengqu

Beijingshi 100017

People's Republic of China

Fax: +86 10 63070900

Salutation: Dear President

Also send copies to diplomatic representatives accredited to your country.

Please check with your section office if sending appeals after the above date.

**AMNESTY
INTERNATIONAL**



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ADDITIONAL INFORMATION

Violence against women, including domestic violence, is a violation of human rights and is a form of discrimination under the UN Convention on the Elimination of all Forms of Discrimination Against Women, to which China is a party. Under the Convention, China is obliged to exercise due diligence to prevent violence against women and to effectively investigate all allegations of such violence and prosecute the suspects in fair trials, whether they are state actors or private actors like Li Yan's husband. China is also required to ensure reparations, including compensation to victims of violence like Li Yan (Committee on the Elimination of all Forms of Discrimination Against Women, General Recommendation 19, A/47/38 (1992)).

In January 2007, the practice of having the Supreme People's Court (SPC) review all death sentences was restored. It had been suspended in 1982. All death sentences must now be reviewed by the SPC, which has the power to approve death sentences or remand cases for retrial.

Amnesty International has serious concerns about the fairness of trials in death penalty cases. There are also significant gaps between the law, practice and international commitments made by China to uphold international fair trial standards. There is also limited access to legal counsel and the police often extract confessions through torture or other ill-treatment.

The SPC's review process is not transparent and there are no clemency procedures for condemned prisoners after they have exhausted their appeals through the courts. Article 6(4) of the International Covenant on Civil and Political Rights, which China has signed but not ratified, grants the right to anyone sentenced to death to seek pardon or commutation of the sentence.

The death penalty is applicable to at least 55 offences in China. Although the government eliminated 13 crimes punishable by death in 2011, it retains the death penalty for many non-violent crimes, including corruption and drugs related offences. The Chinese authorities have reported a drop in executions since the SPC resumed this review but have declined to release relevant statistics which remain classified as a state secret. Legal academics and court officials in China have occasionally been quoted estimating the decrease at between 10–15 per cent each year since 2007. As information on the application of the death penalty remains shrouded in secrecy in China, it is impossible to make a full and informed analysis of death penalty developments, or to verify if there has been such a reduction in its use. Amnesty International estimates that China executes thousands of people every year and certainly more than the rest of the world combined.

Name: Li Yan

Gender m/f: f

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